THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.15623 of 1998

Dated: 07.03.2007

Between:

Kaku Gangaiah S/o Nagaiah and others.

..... PETITIONERS

AND

The District Collector, Nellore and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.15623 of 1998

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in trying to dispossess the petitioners from the lands in Sy.Nos.95/7, 95/8, 88/7 and 97/7 situated at Bhujabuba Nellore Village, Nellore Rural Mandal, Nellore District as arbitrary and illegal.

It is the case of the petitioners that they purchased said lands from the assignees for valuable consideration, and have been in continuous possession and enjoyment of the same. While so, the respondent-authorities came to the lands of the petitioners and started surveying the lands by marking the same. When the petitioners questioned the same, they have informed that the lands are assigned lands and the transfer in their favour is not valid. Thereafter, the petitioners approached their vendors and came to know that their

vendors filed a writ petition, being W.P.No.6473 of 1992, seeking restoration of the land to them and the said writ petition was dismissed on 16.11.1997. Hence, they state that they are the bonafide purchasers of the lands in question, having purchased the same for valuable consideration, and entitled to protection under Section 3(5) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1975 (for short "the Act").

The respondents filed a detailed counter stating that as the assignees violated the conditions of assignment, the lands were resumed to the Government, vide proceedings dated 31.10.1984, and this Court also dismissed the writ petition filed by the assignees seeking restoration, as they have violated the conditions of assignment. It is further stated that purchase by the petitioners is subsequent to the resumption, and they have laid layouts in the said land unlawfully and sold away the plots to others, and that the subsequent purchasers have constructed houses and are residing therein. Since the petitioners are not bonafide purchasers, they are not entitled to protection under Section 3 of the Act. Hence, they sought to dismiss the writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Assignment.

Having heard both the counsel, this Court is of the view that this writ petition is filed only on a mere apprehension that the petitioners may be evicted. In realty, no action has yet been initiated. Hence, this Court sees no merit in this writ petition.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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07.03.2007

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